

REMARKS

In the Office Action mailed January 18, 2006, the Examiner rejects claims 1-8 and 29-30 under 35 U.S.C. § 103 over U.S. Patent No. 6,317,722 to Jacobi et al. ("Jacobi"). Applicant respectfully traverses this rejection.

35 U.S.C. § 103(c)(1) provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Both the current application and Jacobi are currently assigned to Amazon.com, Inc., and the subject matter of both, at the time of the invention, was owned by Amazon.com, Inc., or subject to an obligation of assignment to Amazon.com, Inc. In addition, Jacobi qualifies as prior art only under 35 U.S.C. 102(e) because it does not indicate that the technology it describes was "known or used by others . . . before the invention thereof by the applicant" in accordance with § 102(a), and it was not "patented or described in a printed publication in this of a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States" in accordance with 35 U.S.C. § 102(b). Accordingly, Jacobi cannot preclude patentability under 35 U.S.C. § 103.

In view of the above, applicant believes the pending application is in condition for allowance. If the Examiner has any questions, he or she is encouraged to call the undersigned at 206-359-3925. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768028US1 from which the undersigned is authorized to draw.

Dated:

4/12/06

Respectfully submitted,

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